

that I cannot hold to a statement that I made the other day. I'm offering this amendment and here's why I'm offering it. These statements that have no legislative significance whatsoever do not carry the impact of law, only clutter the statute and contain a lot of conclusions which are not supported by law or fact. There is an example here of adoption through the acceptance of these various statements of a theory of life which is not agreed to unanimously by doctors, by religious people, by philosophers, by the legal profession, by any groups that deal with matters of this nature. Since none of these words carry any weight in law and since they do confuse the issue and state an argument rather than being a legitimate exercise of legislative authority, I feel that all ought to be stricken. The attempt now to amend words which have no legislative or legal significance indicates the uselessness of having them in the statutes. They are amending it in one place to specify the date of a particular Supreme Court decision. They are saying that the Legislature was forced by the Supreme Court's decision to do certain things and refrain from doing certain other things. This is what happens whenever a provision of statute is stricken down by the Supreme Court as being unconstitutional. Yet, not every law that is stricken down is attempted to be reinserted in the statute with a lengthy, illogical, nonfactual argument of this nature. Senator DeCamp, I know that this is not your doing and you'd agree to deal with this article. On that I'm not blaming you for what we have here. But here is an example, on page 25 on lines 11, 12, 13, "that currently, in this state, there are grossly inadequate legal remedies to protect the life, health, and welfare of pregnant women and unborn human life;". That is patently false, factually, medically, and legally. The purpose of the Supreme Court's decision was to allow the state and if it regulates abortion at all to require the state to take into consideration the maternal health of the prospective mother. As far as the part about unborn human life, there is a division as to when human life actually comes into being. Not every living tissue in a human being can be considered to be independently alive. My kidneys can be taken from me after I'm clinically dead and given to somebody else, so there remains life in my kidneys. But if one of my kidneys is removed, that is not considered the death of me or any part of me. So, since there is medical justification for concluding that up to a certain point, an embryo or a fetus is to be considered a part of the mother and not an independent human being. Accepting wording of this nature puts the state on record as subscribing to one specific theory of life which is not adhered to unanimously in any field of endeavor. That is my opening statement as to why I think this amendment should be adopted and all the language in Section 40 which has no legal significance or consequence should be stricken.

PRESIDENT: Senator Simon.

SENATOR SIMON: Mr. President, I have a question of Senator Barnett if he'll yield.

SENATOR BARNETT: I'll try to.

SENATOR SIMON: Senator Barnett, dealing with the section that Senator Chambers talked about, could you give me the rationale, because I would agree with Senator Chambers that this is, not being an attorney, that this is merely a viewpoint. What was the rationale behind that, I think I know, but what was the rationale behind that?